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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/724,329	11/26/2003	Peter John Yttrup	62334-00001	9984

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EXAMINER	
HORTON, YVONNE MICHELE	
ART UNIT	PAPER NUMBER
3635	

DATE MAILED: 08/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/724,329

Applicant(s)

YTTRUP ET AL.

Examiner

Yvonne M. Horton

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-17 stand rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #5,501,053 to GOLEBY. In reference to claims 1 and 17, GOLEBY discloses the use of a reinforcing element including oppositely disposed geometric channels (13,14) spaced by a web (10). GOLEBY discloses the basic claimed reinforcing element except for explicitly detailing the length and thickness thereof. Regarding claims 1 and 11-16, it would have been obvious to one having ordinary skill in the art at the time the invention was made to select a known length and thickness suitable for the use intended as an obvious matter of design choice. For instance, if the device were being used to span a long distance it would appear that a much longer reinforcing element would appear appropriate. In reference to claims 2-4 and 17, GOLEBY discloses the use of cylindrical, rectangular (figures 22a,b), triangular (figure h), round (figures 21ab), oval (figures 20a,b) shaped channels. Regarding claims 5 and 6, the web (10) connects with the channels (13,14) at a mid-point bisecting the center of the channels (13,14), figures 27 and 28. In reference to claims 7 and 8, the web (10) connects with the channels (13,14) in a plane offset from the center, figure 28, and tangential, figure 27, to the channels (13,14). Regarding claim 9, the applicant is reminded that the web thickness with respect to the thickness of the geometric channels

is also and obvious matter of design choice. In reference to claim 10, the rectangular channels (13,14) of GOLEBY are partially open, see figure 6d.

Claim 18 stands rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #5,501,053 to GOLEBY. GOLEBY discloses the method of reinforcing a utility pole, column 6, lines 36-40, including the steps of providing a utility pole reinforcing member including oppositely disposed geometric channels (13,14) consisting of circular, oval, rectangular, and triangular shapes, spaced by a web (10), driving the utility pole, column 6, lines 36-40, and securing the reinforcing element.

Response to Arguments

Applicant's arguments filed 10/03/05 have been fully considered but they are not persuasive. Regarding the applicant's argument that GOLEBY teaches cold forming and does not teach the thickness of material required by the claims, column 7, lines 35-38 of GOLEBY, as detailed by the applicant, exemplifies the fact that different types and sizes of metals are used for different purposes. Applicant's assumption that, due to the fact that the references submitted on 10/03/05 details the method of cold forming with particular thicknesses associated therewith, is not indication that these thicknesses are a "standard" in the art. These thicknesses are merely thicknesses associated with the desired material for the desired use. Column 7, lines 35-38, of GOLEBY clearly indicates that there exists certain ranges of thicknesses associated with different uses.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne M. Horton whose telephone number is (571) 272-6845. The examiner can normally be reached on 6:30 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Naoko Slack can be reached on (571) 272-6848. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jeanette E Chapman
Jeanette Chapman
Primary Patent Examiner
Art Unit 3635


YMH
08/07/06